

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

BUILD-A-BEAR WORKSHOP, INC.,

Plaintiff,

vs.

KELLY TOYS HOLDINGS, LLC, KELLY AMUSEMENT HOLDINGS, LLC, JAZWARES, LLC, and JAZPLUS, LLC,

Defendants.

Case No. 4:24-cv-00211-MTS

Hon. Matthew T. Schelp

DECLARATION OF SOURABH MISHRA IN SUPPORT OF DEFENDANTS' MOTION TO DISMISS

I, Sourabh Mishra, declare as follows:

1. I am an attorney at Hueston Hennigan LLP, counsel of record for Defendants Kelly Toys Holdings, LLC, Kelly Amusement Holdings, LLC, Jazwares, LLC, and Jazplus, LLC, in the pending case *Kelly Toys Holdings, LLC v. Build-A-Bear Workshop, Inc.*, Case No. 2:24-cv-01169 (C.D. Cal. Feb. 12, 2024) ("California Case"). My application to appear pro hac in this case for the same parties will be filed shortly.

2. I submit this Declaration in support of Defendants' Motion to Dismiss in this case, filed herewith. This Declaration is based on personal knowledge. If called as a witness, I could and would testify competently to such facts under oath.

3. Under the Local Rules in the Central District of California, movants must meet and confer about the bases for their motion to dismiss at least seven (7) days advance of filing. Build-A-Bear's deadline to file a responsive motion in the California Case is tomorrow, March 5, 2024. The parties thus met and conferred about Build-A-Bear's motion on February 27, 2024.

4. During the February 27th meet and confer, Build-A-Bear's counsel did not raise any jurisdictional challenges that it will be making in the California Case. They instead communicated

that they are exclusively moving under Federal Rule of Civil Procedure 12(b)(6). Since Build-A-Bear did not meet and confer about any jurisdictional challenges to the California Case that it intends to make in its motion to dismiss, it has waived its ability to bring jurisdictional challenges in the California Case.

5. On March 1, 2024, Defendants served the operative complaint, summons, and discovery requests in *Jazwares, LLC v. Build-A-Bear Workshop, Inc.*, Case No. CACE 24-001221 (18) (Fla. 17th Cir. Ct.) on Build-A-Bear.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on March 4, 2024.

By: 
Sourabh Mishra